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IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

MIKE MOORE, ATTORNEY GENERAL, ex rel,
STATE OF MISSISSIPPI TOBACCO LITIGATION

NO. 94-1429

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DEPOSITION OF HENRY TURNER

Deposition Taken at the Instance of
the Tobacco Defendants
at the Mississippi Bar Center
Jackson, Mississippi
On January 13, 1996 97
Commencing at 9:00 a.m.

REPORTED BY: CHERIE G. BOND
Registered Merit Reporter
CSR #1012

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MR. PITTMAN: This is the resumption of the deposition of Henry Turner taken on September 23rd, 1996, at the same location that we're in now. We'll have the same stipulation as in that deposition. Basically it's just being taken under the Rules of Civil Procedure, and I think that they wanted Mr. Turner to read and sign his deposition. And I want to preface this deposition by starting out by saying that in response to a request to the Tobacco Institute there was a request for production of documents. That response was dated December 13th, 1996, by the attorneys for the Tobacco Institute, and that included lobbying documents and saying that they would be produced.

On Friday -- I got this response in Thursday from our co-counsel, and I requested those documents on Friday. I got them Friday afternoon sometime after 3 o'clock. They were numbered but not indexed. Most of them appear to be legislative bills and correspondence generated by Ellis Bodron primarily to Ron Morris, but there are some other documents in there. I have not had time -- I've not had time to completely go through every document, and they need to be indexed in accordance with our rules, which is not your responsibility but someone

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else's responsibility according to our case management order, paragraph B, I think that's what it is, agreed case management order.

At any rate, from the standpoint of Henry Turner, I hope this is the last time you have to be here; but we haven't looked at all of these documents yet, and we may have some inquiry, and it is impossible for us to do it at this time. I'm not making a big issue of it. I don't know if Mark Caraway -- did Mark call you? When I got my letter and told him we would be agreeable -- Friday I agreed to reset this if necessary to let me go through these documents.

MR. HELMS: Actually I haven't heard anything about it, about any of this.

MR. PITTMAN: I wrote him, and in my letter -- where's my letter? I wrote him -- I guess it was Friday the 10th that I faxed him a letter saying that we'd certainly be agreeable to moving the deposition provided all parties agree, but I needed the documents in order that I might have time to review them, and obviously I haven't had time. At any rate, we may not need to come back, and it may not be necessary, but it's probably going to take a little longer for this deposition as a result

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of that.

HENRY TURNER

having first been duly sworn, testified as follows:

EXAMINATION

BY MR. PITTMAN:

Q Mr. Turner, do you understand that you're still under oath?

A Yes, sir.

Q We're resuming your prior deposition. Now, I had asked you some questions, and I want you to tell me, if you would, about any contact that you have had with the governor's office concerning this litigation.

MR. HELMS: Crymes, before he answers, I want to mark these questions confidential under the protective order.

MR. PITTMAN: Confidential? You've lost me there just a little bit.

MR. HELMS: I want to mark this section of the transcript confidential. I just want to make that record.

MR. PITTMAN: Okay. I understand the request, and I'm not -- whatever -- let me put it this way: We'll -- we will honor that until we see where we are.

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MR. HELMS: Right.

MR. PITTMAN: And --

MR. HELMS: I think.

MR. PITTMAN: I'm not saying I agree. I'm saying I will not -- we'll honor that request at this time until such time as we see where we are. Okay.

MR. HELMS: Okay.

MR. PITTMAN: All right.

A Restate the question.

BY MR. PITTMAN:

Q I think I asked you if you had had any contact with the governor's office or any of its staff regarding this litigation.

A I've had contacts with members of the governor's staff.

Q All right. And who would that be?

A Not with the governor himself directly.

Q Okay. What --

A Mark Garriga and Greg Hinklebein.

Q When did you have contact with them?

A Mr. Pittman, I don't remember exactly, but it would have been spring of last year.

Q And when you say "spring of last year," spring of '96?

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A Yes, sir. To the best of my recollection, that's when it was.

Q What was the purpose of that contact?

A I had called, called him and asked for help with the lawsuit.

Q You had asked them to help with the lawsuit?

A Yes, sir, that we felt it was bad for Mississippi business and we wanted to see if we could get some assistance.

Q Who did you talk to first, if you recall?

A I believe it was Mr. Garriga.

Q Did you know -- I believe you knew him prior to that time. Isn't that correct?

A I had met him, yes, sir.

Q And were you on a first-name basis with him?

A Yes, sir.

Q Had you ever had occasion to deal with Mr. Garriga while he was in the legislature?

A Not that I recall, no, sir.

Q You don't recall it?

A No, I don't.

Q If you met him, it was at a reception?

A It was at a social event, yes, sir.

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Q You never had any direct lobbying contact concerning a bill, to your recollection?

A Not that I recall, no, sir.

Q Now, is that the first time you had talked with Mark Garriga, the spring of last year, since he had been on the governor's staff, to your recollection?

A Other than at social events and that type thing.

Q The only time that you would say made a -- the only time that you had made a direct -- and I use the word "direct," and if you don't follow what -- a business quote, unquote contact with him?

A To the best of my recollection, Mr. Pittman, that's the case. I don't recall whether I may have discussed other matters with him; but to the best of my recollection, that was it.

Q You don't have any independent recollection of discussing anything else?

A No, sir.

Q Did you know him well enough that you would have recognized him if -- that you would recognize him if you saw him?

A Without question.

Q What did you and Mark Garriga discuss when

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you called him that first time?

A I called him and told him that we were aware -- and as I am sure he was -- that the lawsuit, you know, had been filed and asked him for the governor -- the office of the governor's help in doing something about the lawsuit. He said that they felt, you know, that it was wrong too.

Q When he said he felt that it was wrong, what did he mean wrong?

A Just that, you know, it was something that shouldn't be done against somebody doing business in Mississippi. I assume that's what he meant.

Q All right. How long did you talk with him, if you recall?

A I don't remember, sir.

Q When he said they thought it was wrong, what did he mean? Who did he mean by they?

A I don't know who he was referring to. I assume he meant the office of the governor.

Q And what did -- did he tell you when he said they thought it was wrong -- what kind of assistance did you expect from him when you called?

A Well, assistance, you know, in the form of opposing the action that was taken.

Q You're talking about opposing this

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litigation that's pending now?

A Yes, sir.

Q Now, when you initially contacted him and he said that it was wrong, did he tell you why he thought it was wrong?

A He didn't get into any detail, as I recall, no, sir.

Q Did you tell him why you thought it was wrong?

A I told him I thought it was bad for a business interest doing business in Mississippi to be treated unfairly.

Q How did you feel that it was treated unfairly?

A Well, it's singling out one business who has a significant presence in the state.

Q How else did you feel it was unfair?

A As I recall, that's essentially what I told him, sir.

Q Did he tell you he would get back to you, or what did he tell you?

A I asked him for some help. This is when I, you know, contacted him I guess it was early part of the spring right after the lawsuit was filed and advised him of, you know, my company's position that

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we felt it was wrong for a business doing business in Mississippi to be treated this way.

Q Did you talk to Greg Hinkebein at that time?

A I don't think I talked to him on that occasion, no, sir.

Q All right. When did you next talk to Mr. Garriga or Mr. Hinkebein?

A I called and asked if I could come over and sit down and talk with them.

Q Did you make any memorandums of that initial phone call or any notes?

A No, sir.

Q So you called back a second time. Is that right?

A Yes, sir.

Q And who did you talk to at that time, if you will recall?

A Mark Garriga.

Q You wanted to set up a meeting with whom?

A With him.

Q And did you, in fact, do so?

A Yes, sir.

Q Okay. Did you talk with anyone else at the governor's office to set up that meeting or just

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him?

A I may have spoke to Mr. Hinkebein. I don't really remember, but I know I did speak with Mr. Garriga and ask for the meeting.

Q Did you then come to Jackson?

A Yes, sir.

Q And did you, in fact, meet with them?

A Yes, sir.

Q Where did you meet?

A At the state capitol.

Q To your best judgment, how long was it between that telephone call and the meeting with the two of them?

A I don't recall, sir. I don't know what the time lapse was.

Q Did you make any notes or records or --

A No, sir.

Q You would have filed an expense invoice with your company, wouldn't you?

A Certainly, of course, as far as expenses are concerned.

Q And that expense invoice would reflect when you came to Jackson, would it not?

A Yes, sir.

Q Now, when you -- you say you met with them

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at the capitol. Did you meet in the governor's office at the capitol?

A In Mr. Garriga's office.

Q And who was there at that meeting?

A Mr. Garriga and Mr. Hinkebein.

Q And what time of day did you meet?

A I don't recall specifically whether I flew over on the 9 something or the one that got me here at 1:40. I don't remember.

Q Did you make any notes of that meeting?

A No, sir.

Q And when you met with the two of them in their office, was anyone with you or just the three of you?

A Just the three of us.

Q And the purpose of that meeting was to solicit the governor's office to oppose the present litigation. Is that correct?

A To oppose the present litigation, yes, sir.

Q And how long did that meeting take place?

A I think it was about 45 minutes, Mr. Pittman.

Q Did you tell them the position of Philip Morris at that time?

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A That we were opposed to it and that we needed some help from the office of the governor.

Q Why did you feel you needed help from the office of the governor?

A We needed the office of the governor to offer the executive office's position that the lawsuit was wrong if they felt that it was wrong. And based on what Mr. Garriga had said to me earlier, that they felt that it was wrong. I was asking for some help in that regard.

Q Did Mr. Garriga tell you he felt that it was wrong?

A Yes, sir.

Q What about Mr. Hinkebein?

A I don't recall whether he voiced an opinion or not.

Q What was your understanding Mr. Garriga's position was with the governor's office?

A That he's a lawyer and executive assistant.

Q What did you understand Mr. Henklebein's position to be?

A That he was counsel to the governor, something of that nature.

Q Did they tell you at that time that they

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would oppose the litigation?

A No, sir.

Q What did they tell you? They said they were opposed to it also. What did they tell you? What was the response to your request?

A That they would consider it.

Q When you talked with them, did you discuss the various people involved in the litigation?

A I don't understand the question.

Q Well, I mean, did you discuss Mike Moore, for example? Did you mention his name?

A Not that I recall.

Q Did you mention the fact that there were other defendants and that you were acting together, or did you tell him you were there on behalf of Philip Morris or what?

A They knew I was there just on behalf of my company.

Q All right. Had you -- go ahead.

A But I don't recall any specifics of the discussions.

Q Before you called the governor's office, had you consulted with the other defendants in this lawsuit?

A No, sir.

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Q Did you discuss this with your attorneys before you came over?

A Yes, sir.

Q And so they knew you were coming?

A Yes, sir.

Q Now, when you -- at that point, had Philip Morris filed any pleadings in this case?

A I don't recall, sir.

Q Did you furnish either Mr. Hinkebein or Mr. Garriga with a copy of the complaint that had been filed in this case or any other pleadings?

A No, sir, not that I recall.

Q Do you know if they knew about it or they had a copy if they had read it?

A I assume that they did, sir, but I don't know.

Q Did you offer to give them any assistance by the way of research or other support if they would oppose this litigation?

A No, sir.

Q And they said they would get back to you?

A Yes, sir.

Q Was this in the spring of the year, as far as you know?

A Yes, sir. As far as I can recall it was

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in the spring.

Q Now, did you, in fact -- did they, in fact, contact you back after this meeting?

A Not that I recall, sir. The next action that I recall was that the governor had filed a petition before the Supreme Court.

Q All right. And do you know -- did you have any contact with them prior to that petition being filed before the Supreme Court?

A Not that I recall, sir, other than coming over for the meeting.

Q Did you know of your own knowledge that the governor's office had entered the case in the lower court in the chancery court?

A I don't recall that, sir.

Q Do you know of anyone with Philip Morris that had any further contact with the governor's office?

A Not specifically, no, sir.

Q Do you know whether Philip Morris or any of its attorneys lended any assistance to the governor's office in the filing of the complaint with the Supreme Court or lower court?

A Restate the question.

MR. HELMS: Do you mean --

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BY MR. PITTMAN:

Q Petition, I should say. Do you know if Philip Morris or any of its attorneys lended any assistance to the governor's office in the filing of any pleadings in this case, either in the Chancery Court of Jackson County or in the Supreme Court of the State of Mississippi?

MR. HELMS: Do you mean other than through anything he might have heard from counsel, because I'm going to instruct him not to answer if he's --

MR. PITTMAN: I'm just asking if he knows and then he can qualify his answer.

A I really don't. I apologize. I don't understand the question.

BY MR. PITTMAN:

Q Do you know if Philip Morris either monetarily or otherwise or through direction lended any assistance to the governor's office in the filing of any pleadings in the case in the Chancery Court of Jackson County or in the Supreme Court of the State of Mississippi?

MR. HELMS: Let me confer with Mr. Turner for a second.

(Short Pause)

A Mr. Pittman, I contacted several

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Mississippi business associates --

BY MR. PITTMAN:

Q Who were they? Finish your answer first before we get to that. I'll ask that question next. Finish your answer.

A I contacted several Mississippi associates to attempt to raise some funds to pay Wayne Drinkwater for some pleadings that he was doing before the Mississippi Supreme Court for the office of the governor.

Q All right. Let me ask you what Mississippi business associations you contacted, if you recall.

A As I recall, I think it was the Mississippi Economic Council; and the other two, Mr. Pittman, I really don't remember specifically.

Q What about the Mississippi Manufacturers Association? Did you contact them?

A Manufacturers.

Q MEC, the MMA. What about the retail people? I don't know what their --

A I don't recall.

Q I don't know what the name of their organization is. What response did you get from the MEC when you called them for funds?

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A I get those two confused, to be quite frank with you.

Q The Mississippi Manufacturers Association?

A Yeah, and the retailers.

Q MMA would be Jerry McBride?

A As to what I do know and what I do remember, Mr. Pittman, I don't remember specifically what response I got from both of them, from either one of them other than the fact that there was agreement.

Q Agreement for what?

A To assist with the paying of Mr. Drinkwater's fee.

Q Did you -- did anybody turn you down?

A Not that I recall, sir. Their response to me was that -- I know I got a positive that they felt it was bad for Mississippi business too, that they wanted to participate.

Q Did you -- when you got a response from them that they felt it was bad for Mississippi business, did Philip Morris also contribute or any of the other defendants in this case?

A No, sir. We are a member of those associations and we pay our annual dues.

Q And so you contacted the executive

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director of each of those associations, as far as you know?

A Yes, sir.

Q Whoever that might be?

A Yes, sir. And I apologize for not knowing specifically their connection.

Q You think the third group might have been the retail people or you're not certain about that?

A Retail is McBride.

Q I believe Mississippi Manufacturers Association is McBride.

A I don't think retail is McBride. You said retail, not manufacturing.

Q Retail would be like, for example, some of your defendants like Long Wholesale are probably a member of the retail association more than likely, I would guess. Maybe Long Wholesale may not be. I'm talking about your grocery stores.

A Yes, sir. I apologize for not being able to match up the executive director with the organization.

Q Retail lobbyist used to be Spence Dye. Do you know him?

A Yes, sir, I do know Spence.

Q Do you know if you contacted Mr. Dye or

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not?

A I don't recall whether I called Spence or not, sir.

Q All right. So the only two you can recall off the top of your head are the MEC and the MMA?

A Yeah.

Q You're not certain about a third or a fourth one or whatever?

A No, sir.

Q Did you do anything else in the way of assisting in the governor's office in the filing of the pleadings in this case?

A No, sir.

Q And when I say "you," I'm talking about Philip Morris -- you personally on behalf of Philip Morris.

A No, sir.

Q Do you know if Philip Morris did anything else?

A No, sir. I can only speak for what I've done.

Q Okay. Do you know if anyone else requested help from the MEC or the MMA?

A Not to my knowledge, no, sir.

Q And when you say you got an agreement, did

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you do this by telephone or did you come over here and meet --

A No, sir, I did it by phone.

Q So they agreed to fund Mr. Drinkwater. Is that correct?

A They agreed to pay for the pleadings, yes, sir.

Q Now -- and you understood Mr. Drinkwater was going to be representing the governor's office?

A That was my understanding, yes, sir.

Q Have you -- did you ask any of your attorneys to share any research with Mr. Drinkwater or anyone else?

MR. HELMS: Let me object to that as calling for an attorney-client privileged communication and instruct you not to answer.

BY MR. PITTMAN:

Q Let me ask the question this way. Do you know if Philip Morris asked any -- independently requested assistance be given of any matter -- any legal assistance to be given to any of these people?

MR. HELMS: Let me instruct you not to answer to the extent that involves attorney-client communications. I'm not sure whether it does or not.

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BY MR. PITTMAN:

Q Did you --

MR. HELMS: I'm not -- I'm not instructing you not to answer but only as to attorney-client communications.

BY MR. PITTMAN:

Q Why don't you tell him what your answer would be. Why don't you tell him what your answer would be and he can decide --

A Restate the question, Mr. Pittman.

Q I think the question was -- I asked you whether or not Philip Morris requested any legal assistance be given outside of this contact with the various organizations in Mississippi be given to Mr. Drinkwater or anyone on behalf of the governor's office.

A I don't know. I apologize. I don't know.

Q You don't know?

A No, sir.

Q That solves it. Now, did you have continuing contact after this time with Mark Garriga and Greg Hinkebein concerning this litigation?

A Not that I recall, no, sir. That was the last, to the best of my recollection.

Q Have you communicated with them since that

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meeting that you had in Mr. Garriga's office?

A Well, I think I had stated earlier that I made the phone call. I talked to -- I came over, and then subsequently I talked to them about, you know, the issue with paying for the -- helping Mr. Drinkwater to be able to represent the office of the governor, and that's it.

Q You came over -- at the time that you met with him, you were discussing with them about assisting Mr. Drinkwater?

A No, sir. That was just asking for help.

Q How did you arrive at Mr. Drinkwater? Was this the name that you came up with or was it a name that the governor's office came up with or what?

A I didn't come up with it, sir, come up with the name.

Q When you say you didn't come up with it, Philip Morris, who came up with the name as far as you know? When I say "you," I'm talking about Philip Morris or yourself independently, if you know.

A Let me confer with him just a minute.

(Short Pause)

A I don't know who came up with it.

BY MR. PITTMAN:

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Q Did you ever have any direct contact with Wayne Drinkwater?

A Not that I recall, no, sir.

Q To your knowledge, you have never talked to him?

A To the best of my recollection, yes, sir.

Q Do you know him?

A No, sir.

Q Now, you say the next thing you knew that the governor's office had intervened. Did you know they were going to intervene in this litigation prior to the intervention?

A No, sir.

Q Do you know if anybody from Philip Morris had any contact with the governor's office besides yourself concerning this litigation?

MR. HELMS: Just a minute.

(Short Pause)

MR. HELMS: Let me -- I'm going to instruct you to answer only with respect to any knowledge that you have other than through any conversations with lawyers.

A No, sir. I mean, I can't speak -- you know, Buddy may have seen somebody in the hall. I just want to make sure we're clear on something like

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that. Buddy was never directed by me to say anything to anybody about -- with the office of the governor on this.

Q You're talking about Buddy Medlin?

A Yeah. But no.

Q I'm talking about beside Buddy Medlin, what about anybody within the office of Philip Morris?

A No, sir, not to my knowledge.

Q Who is Philip Morris' in-house attorney who is in charge of this litigation?

MR. HELMS: Objection.

MR. PITTMAN: I think we're entitled to know the name.

MR. HELMS: I don't think you're entitled to know the name at all. I can't see how this is potentially relevant, and I think it's got to be privileged, and I'm going to instruct you not to answer that.

MR. PITTMAN: I think we're definitely entitled to know the name of any attorney that's handling this litigation with Philip Morris, and I'm requesting an answer.

MR. HELMS: No.

MR. PITTMAN: I'm just requesting the

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answer. I think we're entitled to know it.
BY MR. PITTMAN:
Q Now --
MR. HELMS: Actually, Crymes, before you go on, let me talk to him.
(Short Pause)
MR. HELMS: I'm sorry. I'm going to let you answer that -- well, no --
A Do you want me to answer it or not?
MR. HELMS: Go ahead -- well, because of what he's told me -- no, don't answer it. Don't answer it.
BY MR. PITTMAN:
Q Now, after that contact with these various groups to assist in the -- assist the governor's office in this -- in the present litigation, have you had any further contact with the MEC or the MMA or anyone else regarding this litigation?
A No, sir, not that I recall, Mr. Pittman.
Q And, to your knowledge, you have not -- since you met with Greg Hinkebein and Mark Garriga, you have not talked with them concerning tobacco litigation?
A No, sir, not to my recollection.
Q Did you come over here for the argument

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with the Supreme Court?

A No, sir.

Q Do you know if anyone else -- I think I asked you this, but I want to make it very clear. Do you know other than -- and your attorney has asked you not say -- it's my understanding that other than through your attorneys, you don't know of any Philip Morris employee who has had any contact with any Mississippi officials or employees, including Buddy Medlin or any of its lobbyists.

MR. HELMS: You're talking about this lawsuit?

MR. PITTMAN: About this lawsuit.

A No, sir, not to my knowledge.

BY MR. PITTMAN:

Q Let me ask you this, now: Outside of this litigation, have you had any contacts with the governor's office for the state of Mississippi since Governor Fordice has been in office concerning any legislation?

A Mr. Pittman, to the best of my recollection, no; but on some of the legislation that may have gone through, I may -- at a social function that I was in attendance with with the governor, I may have said something to him about it

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just in passing. But, no, sir, not that -- not that I recall, no, sir.

Q Do you recall what you would have been interested in that you would have said something to the governor about?

A Possibly when we -- when the preemption bill passed was up for consideration. But beyond that, no, sir, we really haven't had that much going on over here legislatively.

Q All right. Tell me have you -- had you ever been in Mr. Garriga's office or Mr. Henklebein's office prior to the meeting concerning this litigation?

A I may have at some point during the administration, Mr. Pittman, but I don't recall.

Q Do you recall what you would have been there for?

A Probably coming by to say hello.

Q You do not recall any specific legislation you would have been over here on?

A No, sir.

Q Now, when you say "preemption legislation," what are you talking about?

A That was the piece of legislation that -- when the legislation went through on where you could

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use and not use cigarettes passed.

Q I'm sorry. Cigarettes what?

A Where you could or not use cigarettes passed. I guess it was '94, '95. I don't really recall what the date was.

Q If you would, have you -- tell me whether or not you ever consulted with the governor's office concerning the so-called products liability bill. Do you recall that?

A No, sir, I don't.

Q Do you recall whether or not you consulted with the governor's office concerning the punitive damage bill?

A No, sir, I don't.

Q Do you know if anyone did on your behalf?

A Not that I recall, no, sir.

Q Do you know whether or not you supported that act?

A Yes, sir. We supported it, as did pretty much all of Mississippi business.

Q Why was that?

A We felt it was good for Mississippi business.

Q Why was it good for Mississippi business?

A It kept a -- to the best of my

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recollection, the content of it, it kept out frivolous lawsuits. And by virtue of the state addressing this issue, it would have been a better business environment for the state.

Q How does it have a better business environment for the state if you supported that bill?

A Again I don't recall the specifics of the bill; but, you know, nobody wants to come to a state where they think they are going to be able to be sued frivolously for no cause.

Q Outside of the so-called frivolous lawsuit, we're talking about the products liability portion of the bill and the punitive damage portion --

A I don't recall specifics, sir, but I know we joined with many other members of Mississippi business in supporting that piece of legislation.

Q But you're not really certain?

MR. HELMS: Not really certain about what?

BY MR. PITTMAN:

Q Why you supported that legislation other than generically, generic reasons.

A It was good for Mississippi business. That's what -- the reason that I recall,

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Mr. Pittman, that we supported it.

Q But you can't say specifically?

A I'm not a lawyer, sir.

Q And I presume you're also not an economist so you don't know why it would help.

A No, I never -- I think I got a C in Econ 101.

Q At any rate, you're not certain why it would help business. You were just told it would help business.

A I think I stated the reason: That nobody wants to come to a state to do business if they think that it's a bad business environment to do business.

Q Does Philip Morris do business in all 50 states?

A Yes, sir.

Q And you haven't gone into any state and quit doing business because of any bad business environment, have you?

A No, sir. We do the best we can.

Q Now, what about any other pieces of legislation that you supported? Can you recall any of those?

A I'm listening.

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Q Okay.

A There have been tax bills, Mr. Pittman. To my recollection -- we talked about the tort reform. We talked about the privacy bill that says that you can't be discriminated against in the workplace because you choose to smoke at home.

Q You were in support of that bill?

A Yes, sir.

Q Why was that?

A Well, we didn't feel that it was right for the consumers of our product who choose to smoke in the privacy of their home to be discriminated against in the workplace.

Q So it would be fair to say that Philip Morris is very strong in support of individual rights?

A Yes, sir. Mr. Pittman can we take a short bathroom break?

Q Sure.

(Off Record)

BY MR. PITTMAN:

Q Now, I believe that you told me that -- we had asked you before that you knew Charlie Williams. Do you recall?

A Yes, sir.

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Q Did you have direct contact lobbying with him or others with the Mississippi legislature?

A At some point in the past, yes, sir.

Q One of the questions I asked you in your deposition, you told me that you had met with him in New York at the American European Community Association Meeting. Do you recall that?

A Yes, sir.

Q And you said that Philip Morris picked up his tab or his expenses.

A Yes, sir. Picked up his expenses.

Q I asked you why you did that. Can you tell me now why you did? Or when I say "you," I'm talking about Philip Morris.

A Yes, sir. Well, Chairman Williams is not only chairman here in Mississippi, but he's past chairman of the Southern Legislative Conference, and he is incoming chairman of the Council of State Governments. And so he has a reach far beyond the state of Mississippi, and we felt that it was worthwhile for him to have the opportunity to meet with business leaders and members of the European parliament from around the world, and this AECA organization, you know, affords that opportunity.

Q Now, why did you feel that -- how did you

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feel that was going to help Philip Morris, though, is what I want to know. When I say "you," I'm talking about how did you on behalf of Philip Morris or Philip Morris itself feel --

A Well, we try to help all of our states to become better, and Charlie Williams is a leader in the state of Mississippi as well as nationally, and the opportunity for him to be able to meet with, for instance, the president of Diamler Benz -- Mercedes Benz, USA was in attendance at this meeting. But it was an opportunity, an economic development opportunity potential for Chairman Williams to have an opportunity to meet somebody of this caliber in international business.

Q Did you do this on behalf of anybody else beside Charlie Williams in the Mississippi legislature?

A There were other elected officials there, yes, sir, but I don't recall who. There were also other business interests that were supportive of this.

Q I think I asked you the question about whether or not Charlie Williams was assigned to Philip Morris to be the person they would promote at this meeting or -- maybe promotion is not a good

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word. Pay his expenses is a better word, better expression, not a better word. But how did you come to select Charlie Williams over someone else?

A His position within the council of state government.

Q Did you -- did Philip Morris pay anybody else's way, legislators from any other states to this meeting?

A I don't know, sir.

Q Anybody else in the south that you know of?

A Not that I recall, sir.

Q Did you attend?

A Yes, sir.

Q Now, you also picked up Representative Williams' expenses to the Super Bowl. Is that correct?

A Yes, sir.

Q What year was that? Do you recall?

A I don't recall, sir. I think it was Minneapolis -- when the Super Bowl was Minneapolis, but I'm not sure.

Q Tell me why you wanted him to go to the Super Bowl.

A We had major customers in attendance at

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this event, and because Chairman Williams is responsible for the taxing policy in the form of his being chairman of the ways and means committee as well as his position with the Council of State Governments, we wanted to both give our customers and Chairman Williams the opportunity to interact with one another.

Q Did you want to -- when you say he was chairman of ways and means, being in charge of taxing policy for the House side of the legislature, you were concerned about taxes on cigarettes. Is that right?

A I wouldn't frame it as concerned.

Q Well, I won't say concerned. You were interested in taxes on cigarettes. Is that correct?

A Yes, sir.

Q By the way, what about taxes on beer? Are you also interested on that from your job with Philip Morris, or is it just the cigarette side?

A With my job with Philip Morris, no, sir, I don't have responsibility.

Q Miller Beer is not under you. Is that fair?

A No, sir.

Q And I presume taxes on cookies are not

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under you from the General Foods side. Is that right?

A No, sir, I don't do cookies.

MR. PITTMAN: Off the record.

(Off Record)

BY MR. PITTMAN:

Q Now, did you -- when you say -- talking about taxing, is it fair to say that Philip Morris as a general rule opposes increases in taxes on cigarettes?

A We feel that an increase in the cigarette excise tax impacts our customers' ability to purchase the product and that it's a regressive tax because it singles out one product.

Q What taxes do you have on cigarettes presently in the state of Mississippi, if you know?

A I believe it's 18 cents is the state cigarette excise tax in the state.

Q Is this in addition to any sales tax?

A I believe it's in addition to the sales tax and the federal tax.

Q How much is the federal tax, if you can remember?

A I think it's 24.

Q So that's 42 cents a pack tax as far as

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you know in Mississippi?

A Yes, sir.

Q Just out of curiosity, in Georgia what's the tax?

A In Georgia it's 12 cents.

Q What about in Alabama?

A 16.5.

Q Florida?

A 33.9.

MR. HELMS: By the way, in your last answer, I take it you were not including federal in those states, were you?

BY MR. PITTMAN:

Q That's not including the federal tax in any of these. You're talking about --

A The quotations I gave you were strictly the state excise tax in those states.

Q Now, are there any other taxes besides the sales tax or the excise taxes on cigarettes at the present time?

A In the state of Mississippi?

Q Yes, sir.

A That's all, I believe.

Q What other states -- do you have South Carolina?

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A Yes, sir.
Q What's the sales tax -- excise tax?
A The state excise tax, I believe, is seven cents.
Q What about North Carolina?
A I don't have that, sir.
Q Is South Carolina considered a, quote, unquote, tobacco producing state?
A To a degree, yes, sir, to a degree.
Q Georgia is too, are they not?
A Yes, sir.
Q I believe in south Georgia along that line Columbus over to Savannah they grow tobacco in that area, don't they?
A They are south, yes, sir.
Q What about Tennessee? Is that a state you have?
A Yes, sir.
Q What's the tax there?
A I believe in Tennessee -- I'm not sure what it is there.
Q Okay.
A Off the top of my head, I don't know.
Q Do you have Louisiana?
A No, sir.

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Q Do you have Kentucky?

A No, sir.

Q Is Tennessee considered a tobacco-producing state? Do you know?

A Yes, sir.

Q What is the highest state excise tax on cigarettes in the country, if you know?

A I don't recall. I don't know.

Q What's the highest one you know about?

A My state in Florida, 33.9.

Q Do you consider that excessive?

A Yes, sir.

Q When I say "you," I'm not necessarily talking about you personally. I keep saying you.

A It's -- I understand.

Q It's just easier. In fact, let me tell you this: If I ask you the question "you" and you want to make it a personal response, just tell me.

A I understand.

MR. HELMS: Counsel, let me object to that because he's not here as --

MR. PITTMAN: I'm not requiring him to do it. I'm just requesting if he thinks I ask the question wrong --

MR. HELMS: It would be -- I think it

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would be clearer for the record if when you want some sort -- when you want him to answer about whether he has knowledge of Philip Morris' position on something if you would ask him about Philip Morris' position.

MR. PITTMAN: I'll do my best to do that, but I have a habit of asking it as you, and when I say you --

MR. HELMS: I think it makes a clearer record, but, Mr. Turner, if you --

BY MR. PITTMAN:

Q If you want to clarify and you don't understand the question, just ask me if I don't do it right. Okay? Between the two of us we'll try to get it right.

A Okay.

Q Let me -- at any rate, have you ever picked up any expenses, to your knowledge, for Speaker Ford for any trips?

A Not that I recall, sir. I mean, I've --

Q I think in your deposition you had lunch and you picked up his lunch, I think, in July of '91, and I think I asked you and you said you didn't recall that meeting.

MR. HELMS: You mean Philip Morris?

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MR. PITTMAN: I think Mr. Turner personally. He was there.

A I may have, sir. I don't recall specifically.

BY MR. PITTMAN:

Q Do you know of any other legislators that you picked up their expenses?

A I may have bought Charlie Capps lunch at some point in time; but beyond that, I don't recall anything specifically, no, sir.

Q Has Philip Morris ever picked up any trips for Charlie Capps, to your knowledge?

A No, sir, not that I recall.

Q When we started this deposition, I mentioned that I had some documents that had been produced to me by the Tobacco Institute, and one stack that I have is marked TIMS 0006214 through 0006589.

MR. PITTMAN: Apparently -- and I think we can agree what this -- there's no index and I got them Friday afternoon; and, John, as best I understand it for purposes of examining it appears to be -- and I am not saying we agree -- it appears to be documents from the Tobacco Institute that were generated by their lobbyist or by their -- in

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Mississippi or Ellis Bodron or his company, as best I understand. You've just looked at them today and I understand --

MR. HELMS: I took a quick look at them, and there's some -- there's definitely some that appear to be that way. There's some bills and a bunch of different things in there. I can't -- I don't know who generated those.

MR. PITTMAN: I don't have any idea either, but I am not saying that's what they are. But for purposes of this question, I am not saying that you are agreeing to that or you're stipulating to that. I'm not trying to pin you down in that regard. But for purposes of examining I'm going to ask the questions in that light.

BY MR. PITTMAN:

Q Do you know Ellis Bodron?

A Yes, sir.

Q Where did you first know Senator Bodron?

A Actually I think I met Senator Bodron years ago when he was chairman of the appropriations committee.

Q Did you know he has been the lobbyist or his company, The Research Group, has been the lobbyist for the Tobacco Institute?

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A I know that Senator Bodron has been the registered agent for the TI in Mississippi, yes, sir.

Q And are you a member of that -- is Philip Morris a member of the TI?

A Yes, sir.

Q As a result, would it be fair to say that Philip Morris' interests in Mississippi have been the same as the Tobacco Institute?

A I can't speak to that on a case-by-case basis.

Q Let's --

A I can't agree that that's the case across the board.

Q Let me ask you this: To your knowledge, do you know of any single instance where Philip Morris has been at cross purposes regarding legislation in the state of Mississippi?

A I can't think of an instance now, Mr. Pittman, but we're talking about a period of seven years that I've had the responsibility for the state of Mississippi for Philip Morris. Right here I can't say that there has or there hasn't been an instance.

Q Well, if you discover a time after you

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think about it, if you would just let me know, if you would through your attorney. Tell me, if you would, whether or not the Tobacco Institute was requested to participate or support by funding or otherwise the governor's intervention in this litigation on behalf -- by Philip Morris or anyone else?

A Restate the question.

Q Was the Tobacco Institute requested to give any funding or support the governor's intervention in this present litigation by Philip Morris?

A To my knowledge, no, sir.

Q Do you know Mr. Ron Morris?

A Yes, sir.

Q You say you know Mr. Bodron. Have you known him ever since you've been working in Mississippi the past seven years?

A Yes, sir.

Q Did you know him before that?

A I may have met Senator Bodron prior because I had Mississippi for a previous employer.

Q And who was that?

A U.S. Sprint, the long-distance company.

Q Now, I can't read this first letter that's

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marked to Mr. Morris, but I'm going to let you look at it, please, sir, and see if you can read it.

A It's about House Bill 785.

Q Do you know what that is?

A No, sir.

Q By reading that letter, does that refresh your memory, if you can read it. I can't read it.

A I can't read it, Mr. Pittman.

Q Okay. Do you know Ben Callahan?

MR. HELMS: For the record, let me say that this is TIMS 6214 that you asked him about.

A I know a Ben that works for the TI.

BY MR. PITTMAN:

Q I presume that's --

A I don't know his last name.

Q What is Ron Morris's position with the Tobacco Institute?

A He's regional vice-president.

Q Is part of his job concern or part of his job responsibilities, if you know, lobbying in the state of Mississippi?

A He has responsibility for the state of Mississippi, Mr. Pittman. I don't know whether he's a registered agent or not.

Q All right. Do you know what bills Philip

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Morris was interested in during the 1996 session of the legislature?

A I believe there was a tax bill and to the best -- I don't recall.

Q Do you know if that was House Bill 785 or not?

A I don't recall specifically. I didn't recognize the bill number.

Q Were you in support of the tax bill or against the tax bill?

A I'm sure that we were probably in opposition to it.

Q There was a bill according to the document 0006217 -- that's TIMS in all of those -- that refers to a bill that would reduce tax on everything, reducing sales tax. Are you familiar with that bill if it was filed or not reducing the sales tax?

A No, sir.

Q Do you know Senator Jim Bean?

A No, sir.

Q You do not know him?

A Unh-unh.

Q Do you know Senator Dick Hall?

A I think I've met Senator Hall.

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Q Do you know Senator Bill Minor, William Minor?

A When you say "you know," Mr. Pittman --

Q You may --

A -- I may have met them, you know. Buddy may have introduced me to them and said, "This is Senator Minor." And my response is based on a recollection that I may have met the individual, but as far as knowing, no.

Q Let me show you the second page of a letter from Ellis Bodron to Ron Morris dated January 9, 1996, and I'll ask you -- it consists of two pages, 6219 and 6220. Look at the second page. Just look at that last paragraph and tell me if you know what that's referring to. Do you see that last paragraph?

A Yes, sir.

Q I think there's some typographical errors in there, but at the same time it's a House rule that apparently they are attempting to change and said that tobacco would be interested in it. Do you know why tobacco would be interested in a House rule?

A No, sir.

Q It may be something I need to ask

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Mr. Medlin. I don't know.

MR. PITTMAN: Off the record.

(Off Record)

BY MR. PITTMAN:

Q I'm going to show you document 6277 produced by the Tobacco Institute and ask you to look at that. Do you know what that's about, why the Tobacco Institute wanted an impact on OSHA?

A Again my name is not on the memorandum.

Q Do you know --

A But I'm sure it was some issue dealing with OSHA rules, indoor air quality.

Q Do you recall -- what's the date of that memorandum?

A June 16, 1994.

Q Do you recall that issue coming up with Philip Morris?

A I know that there's been items dealing with OSHA impacting our consumers, but this is almost seven years old. I don't recall specifically what --

Q You don't recall -- when you say OSHA -- was OSHA requiring smoke-free places or something like that? Is that what they were doing in the workplace?

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A I think they were requiring some rules dealing with where you could and could not smoke and indoor air quality, that type thing, restaurants.

Q And as I understand it, the Tobacco Institute was opposed to those regulations they were promulgating or attempting to promulgate?

A I don't recall what their position was.

Q What was Philip Morris' position?

A We felt that it should be a reasonable -- a reasonable environment to let the business owner make the decision on whether or not they had all smoking, part smoking in their accommodations.

Q In other words, you felt there shouldn't be any rules or regulations concerning smoking in the --

A No, I didn't say that. I said I felt that there -- to the best of my recollection, Mr. Pittman, the company's position on this was that it should be a reasonable regulation where the individual business owner made the decision based upon their consumers' wants and demands, but I don't recall specifically line by line what the company's position was on this issue.

Q In other words, Philip Morris' position was that any rule or regulation should allow the

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business to decide what areas to make smoke-free or not smoke-free. Is that fair to say?

A Left up to the owner.

Q Left up to the owner. Are you familiar with regulations concerning smoking -- concerning the Alcohol Drug Abuse and Mental Health Administration regulations?

A Not specifically, but I know what it is, yes, sir.

Q What's -- how do you pronounce the acronym for them?

A I believe it's ADAMHA.

Q Are you familiar with legislation in Mississippi in this regard?

A Not specifically, but I know there was an ADAMHA bill that was put forward in the state of Mississippi and passed.

Q And passed. And let me show you a letter where you received a copy from Ron Morris and ask you to look at that. We're looking at documents 6285 through 6300. Do you have that document before you there?

A Yes, sir.

Q Have you had a chance to review it?

A Skimmed it.

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Q Let me have it back, if you don't mind because I have -- I need to ask you some questions about it, and it's the only copy I have. Who is Joe Murray?

A Joe Murray works for R. J. Reynolds.

Q Who is David Powers?

A I believe David Powers worked for the smokeless tobacco, but I'm not -- I'm not sure, sir.

Q And you got a copy of this letter apparently, did you not?

A If I'm copied on it, I'm sure that I did, sir.

Q Do you have any independent recollection of receiving that letter?

A No, sir.

Q And it says the -- we're including model language for ADAMHA. The main proposal gives us the optimum by Maine, state of Maine. Are you familiar with their bill?

A No, sir.

Q What were you -- what's the purpose of this bill?

MR. HELMS: Which bill?

BY MR. PITTMAN:

Q The ADAMHA bill as you call it.

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A The general concept?

Q Right.

A The general concept is to do something to assist in restricting the access of underage youth to tobacco products.

Q And, of course, what you wanted was a bill that was weak, did you not? And we're talking about you; we're talking about Philip Morris.

A No, sir.

Q Well, isn't it true that Mississippi passed a bill that has very weak penalties?

A Mr. Pittman, I don't have the Mississippi bill in front of me and can't recall the exact provisions of it, but there were certain guidelines or certain parts of the legislation that had to be enacted into law by the state of Mississippi in order to meet with the ADAMHA requirements in order for the state to continue to be eligible for I believe it was highway funds.

Q And they had to pass -- Mississippi had to pass a law restricting the sale, distribution to minors and providing -- and other regulations concerning the sale of tobacco -- is that correct -- or tobacco products?

A There were restrictions within the bill,

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yes, sir, that the state had to enact into law in order to be in compliance with the ADAMHA requirement.

Q And what the Tobacco Institute was concerned with and what Philip Morris was concerned with and what R. J. Reynolds was concerned with since you -- since Mississippi had to pass this bill was to make it as weak as possible. Isn't that correct?

MR. HELMS: Objection. Calls for speculation.

A No, sir, that's not the case.

BY MR. PITTMAN:

Q Well, it appears to be the case that the fine for violating this bill -- as I read it violating this provision the fine is $20 minimum and $100 maximum that was passed in Mississippi. Are you familiar with that?

A Again, sir, I haven't seen a copy of the Mississippi ADAMHA law in quite some time, sir. I don't know specifically what's included in it.

Q And I have the issue brief that was provided to Mr. Bodron apparently by the Tobacco Institute and it implies that what the Tobacco Institute was interested in was just meeting the

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minimum requirements of ADAMHA. Are you familiar with that?

MR. HELMS: With which? With the memo?

BY MR. PITTMAN:

Q With their issue brief.

A No, sir.

Q Well, let me show you -- let me show you document 6304, page 6304 which begins with document 6301 and look at the industry position as stated by the state activities division of the Tobacco Institute in August of 1993. That will be the last paragraph.

A You want me to review just this industry position paragraph?

Q Yes.

A Yes, sir.

Q Was that the position of Philip Morris?

A I don't recall specifically.

Q Do you disagree?

A That's four years ago.

Q Do you disagree that's the industry position of -- that -- do you disagree that that was the industry position at that time in August of '93?

A I don't recall specifically what the industry position was.

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Q Okay.

A Mr. Pittman, that's been four years ago, sir.

Q Let me show you a letter dated December 27, 1994, a document 6233 to Ellis Bodron from Ron Morris where a change in the ADAMHA bill was requested by R. J. Reynolds.

A Yes, sir.

Q Do you recall that change that was requested?

A No, sir.

Q Okay. Do you know if any change was accomplished or not?

A I don't know.

Q Do you know Kurt Malgren?

A I know who he was, yes, sir.

Q When you say "who he was," is he deceased?

A No, sir. He's just no longer with the tobacco industry.

Q Where is he now?

A I believe he's with the -- I think he's with some pharmacy group.

Q Do you know what group he's with?

A No, sir.

Q Do you know Patrick D. McWhorter?

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A Yes, sir.
Q Who is that?
A He was with the Tobacco Institute at one time.
Q Do you know where he is now?
A In Alabama.
Q What is he doing?
A I think he's got an independent consulting firm in Alabama.
Q Where is he located? What town?
A I believe he's in Montgomery.
Q Is he doing legislative work?
A Yes, sir.
Q Does he represent the tobacco industry or Philip Morris?
A He does some work for Philip Morris, but I need to make a point of clarification with regard to Mr. McWhorter. Mr. McWhorter at one time worked for the Tobacco Institute.
Q What was his position with them, if you know?
A He was a regional vice-president.
Q Are you familiar with the Unfunded Assist Proposal?
A I think I know what Assist is.

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Q What is it, as you understand it?

A It's my understanding that it's a federal program whereby the states were allocated some federal dollars to assist in the prevention of youth access to tobacco products, and again I believe that is the Assist program.

Q Are you -- do you know Walter Woodson?

A I know who he is.

Q Who is he?

A He also works for the Tobacco Institute.

Q Is he presently employed by them?

A To the best of my knowledge, I think he is, yes, sir.

Q Let me show you a document number 6311 which I believe you received a copy concerning the Unfunded Assist Proposal.

MR. HELMS: I'm sorry. Does this one show he is copied on it?

MR. PITTMAN: Do what? Yes, down at the bottom doesn't it say "Henry Turner"?

A No, sir.

BY MR. PITTMAN:

Q I thought it did.

MR. HELMS: No, it says Kirk Malgren, Patrick McWhorter and Ronald Morris.

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BY MR. PITTMAN:

Q I apologize for that. I thought it did. Are you familiar with the Unfunded Assist Proposal for the state of Mississippi?

A I don't really recall what the provisions of it are, Mr. Pittman. I've heard of it but the answer then I guess would be no.

Q Let me show you document 6312 and ask you to look at that, please, sir. That apparently is a copy of that document that you were copied on it. I must have been looking at two documents at once. It is dated October 28, 1992, from Walter Woodson. That's the attachment to this letter.

A Is there a cover to this?

Q This is the cover apparently.

A 6311 is the cover to 6312?

Q That's the way I read it. It doesn't say that, but I don't know what else it can be. Apparently this is part of it too, 6313 through 18. Do you see that? Have you read that document?

A Yes, sir.

Q The second paragraph there, if you would, if you could hand it to me refers to lobbying, does it not?

A Yes, sir.

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Q And I mentions the fact that since 1986 that efforts have been made in Mississippi to pass legislation prohibiting smoking in public places, all of which have been unsuccessful. Is that correct?

A That's what the document -- that's what the document says, yes.

Q Do you know whether or not Philip Morris actively opposed those pieces of legislation?

A I don't recall.

Q You don't recall?

A Yes, sir. I mean, my tenure with the company began with the 1990 session.

Q What about 1990 and '91? Did Philip Morris oppose to bills?

MR. HELMS: Was there a bill in '91?

BY MR. PITTMAN:

Q It says each year there has been -- this is dated in October of '92. Would it have been the '90, '91 and '92 session?

A I don't recall specifically what transpired in those years before the legislature, Mr. Pittman.

Q Certainly Philip Morris would oppose those bills, would they not?

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A I don't know, sir. I can't speak to it because I don't recall what was put out.

Q And, in fact, isn't it true that Philip Morris and the other tobacco companies opposed any restrictions on smoking in Mississippi up until the ADAMHA requirement?

A I can't speak to that, Mr. Pittman. I don't know.

Q That's true, isn't it? You do know that to be a fact, don't you, being in charge of the legislative field?

A Again, Mr. Pittman, I don't know what pieces of legislation specifically you're referring to that were proposed in the years that I have had responsibility for the state of Mississippi. We're talking about going back seven years, and you're asking me specifically what my company's position was on a given piece of legislation. And without seeing the piece of legislation and remembering back for that period of time, I can't speak to it.

Q So you're saying in your position with Philip Morris that you don't remember one way or the other whether Philip Morris opposed, supported or was indifferent toward restrictions concerning cigarette smoking?

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A I know, for instance, with this ADAMHA piece of legislation that we supported that piece of legislation before the legislature.

Q Okay. Outside of the ADAMHA regulation, until Mississippi was required to pass a law, Philip Morris did not take any position, to your knowledge, one way or the other, or that you can recall concerning restrictions on smoking?

A Mr. Pittman, given the independent nature with which the Mississippi legislature operates, they don't like regulations, they don't like taxes. Pieces of legislation came forward and in some instances we sent our agent in to give the position of the company on it for the legislature to make their own decision on it. But the general tener tenor and philosophy of the Mississippi legislature is one of independence and lack of regulation and lack of taxes.

Q Let me go back and say --

A As far as having to muster an active lobbying effort, we provided information to the state legislators. They made up their own mind. As I have spoken on the ADAMHA bill, we supported this piece of legislation. We felt it was a step in the right direction to prevent youth access to tobacco

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products in this state.

Q But you didn't support the ADAMHA bill until the state was required to pass a bill of some type. Isn't that correct?

A Well, the state was in a position that the legislature had to pass something or the legislature was going to cost the state highway funds. The legislature had to act.

Q They had to act and you wanted them to act in a bill that you felt, quote, unquote, was fair?

A Fair to all interests concerned, yes, sir, but one that was also a step in the right direction to prevent youth access to the product.

Q And up until that time, Philip Morris did, in fact, oppose restrictions on smoking on any bill that appeared in the Mississippi legislature, didn't they?

A I can't speak to that, Mr. Pittman, because I don't know which bills you're referring to.

Q Do you know of any bill that they opposed?

A Again with the time that's out there, the time in question, that's six, seven years ago.

Q Do you know of any bill they supported prior to the ADAMHA regulations that restricted

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smoking in any manner?

A I believe -- I don't recall specifically, but there was an age increase bill where we had to raise the age of purchase. But, again, I'm -- you know, I'm grasping back in my memory for specifics for you, but I don't recall, sir.

Q So as the person designated by Philip Morris in charge of lobbying, you don't recall one way or the other what positions you may have taken on bills restricting smoking in the state of Mississippi?

A Mr. Pittman, I have six states for this company. I deal with hundreds of bills, thousands of bills over the period of time I've worked for this company. You're asking me to give specifics on a legislative philosophy in 1981, which I simply cannot do.

Q Do you recall in 1992 having a meeting with -- in the governor's office concerning the punitive damage bill?

A No, sir, I don't recall that.

Q Do you -- you met initially with John Corlew, Senator John Corlew or Mr. John Corlew?

A Yes, sir.

Q Do you recall meeting with him and

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Mr. Bernie Robertson in the governor's office?

A We may have, sir, but I don't recall specifically. I mean --

Q Who is Bernie Robertson?

A Bernie Robinson was an employee of Philip Morris at that time.

Q Where is he now?

A The last time I heard he was living in New York somewhere.

Q In New York?

A Yes, sir.

Q Do you know who he is employed by?

A No, sir.

THE REPORTER: Robertson or Robinson?

A R-o-b-i-n-s-o-n.

BY MR. PITTMAN:

Q R-o-b-i-n-s-o-n? It is spelled R-o-b-e-r-t-s-o-n here, but that doesn't mean anything.

A Unh-unh.

Q And you don't recall that meeting in the governor's office --

A No, sir.

Q -- to revive a bill that died -- for punitive damages that died in the House?

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A I may have been there, but I don't recall.

Q I'm -- you were referred to in that document dated April 17, 1992, being document 6347 through 6349; and they refer to you by name on page 6348. That's Tobacco Institute documents. Do you know -- do you recall being involved with a product liability bill in 1992 and a workers' compensation bill during that particular year?

A I remember product liability being part of the legislation that was going on down here then. I don't remember anything about workers' comp.

Q I haven't gone through these -- all of them myself. It's just taking me a little while to get through them. Are you familiar with the bill that was pending in 1991 called the protective order bill, House Bill 87? Do you recall that?

A No, sir.

Q According to Tobacco Institute document 6380, it says, "Ellis Bodron reported to Ron Morris it is good to be able to report that House Bill 87, the protective order bill, died in committee and that all of the smoking restriction and sale restriction bills also died in committee." My question to you is: Why is that good?

A I don't know what frame of reference

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Senator Bodron was trying to indicate by that letter, Mr. Pittman.

Q What is it that is bad about smoking restrictions?

MR. HELMS: Objection, vague and hypothetical.

BY MR. PITTMAN:

Q From Philip Morris' standpoint or from your standpoint personally.

A Restate the question.

Q I'm concerned. There are restrictions that are being passed on smoking. What is it that the tobacco industry considers fair concerning smoking regulations beside letting individuals make their own decision about -- in their business as to whether or not to let people smoke?

A Well, individuals should have the right to choose, and our consumers should have a right to use the product in such a way that it does not infringe on anybody else's right. Accommodation: We have come forward with an accommodation program that, you know, the wishes of smokers and nonsmokers alike can be accommodated.

Q Do you think, in your opinion, a restaurant should have designated smoking and

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nonsmoking areas?

A If the owner of that restaurant so chooses.

Q Let me ask you this: Whether or not the owner feels that way or not, do you feel that way? Do you personally think that a restaurant ought to have smoking and nonsmoking designated areas?

MR. HELMS: Wait. Are you asking him hypothetically if he owned a business what would he do?

MR. PITTMAN: I'm asking him his personal opinion.

A Yeah, I think it's up to the owner.

BY MR. PITTMAN:

Q If you were an owner of a restaurant, would you have designated smoking and nonsmoking areas?

A Me personally?

Q Yes.

A Yes, sir. I'd have it both ways. But again, if the owner of the restaurant should choose to have it all smoking, percentage or banned, it's up to the owner, proprietor of the business.

Q What about airplanes? Do you think people ought to be able to smoke on airplanes?

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A Whose opinion are you asking for?
Q I'm asking yours.
A I personally if I'm flying to Europe or somewhere, I enjoy it, yes, sir.
Q Do you believe it's offensive to other people on the airplane that don't smoke?
A I can't speak to how other people may feel about it, Mr. Pittman.
Q Do you believe it's hazardous to them?
A I don't know, sir.
Q In your opinion, is cigarette smoking harmful to your health?
A In my opinion?
Q Yes, sir.
A You're asking for my personal opinion?
Q Personal opinion.
A It doesn't bother me.
Q I'm asking you, in your opinion, is it harmful to a person's health?
A Again I can only speak from my perspective. I don't think it's bothering me.
Q Do you know Samuel Chilcote, Jr.?
A I know who he is, Mr. Pittman.
Q Did I pronounce his name right?
A Yes, sir.

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Q Who is he?
A He is in charge of the Tobacco Institute.
Q Who is Edward Dunkelberger?
A I don't know him.
Q Is he an attorney, by any chance?
A I don't know the name, sir.
Q Do you know David Harfst H-a-r-f-s-t?
A No, sir.
Q Do you know George R. Minshew M-i-n-s-h-e-w?
A I knew George Minshew.
Q Who is he?
A He's deceased.
Q Who was he with?
A The Tobacco Institute.
Q I'm going to show you document 6413. I'm going to ask you if you know by any chance -- you probably don't -- who Ron is in that memo? Is that Ron Morris?
A I don't know who he may be referring to.
Q Okay. I just wondered if you knew. That's okay. I thought you might know who it is. When did you say in '89 you started?
A November 13th, 1989.
Q Did you happen to attend a meeting in the

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offices of Covington and Burling in Washington, D.C., to discuss the product liability situation in Mississippi in -- sometime in the spring of 1989? Do you recall Ellis Bodron would have been there, others -- Spence Dye might have been there?

A In the spring of 1989?

Q 1990.

A I don't recall.

Q You don't recall --

A No, sir.

Q -- going to the offices of Covington and Burling? You don't recall that one way or the other?

A In 1989, no, sir. You're speaking of 1990? No, sir. I don't recall.

MR. PITTMAN: I do not have anything further of Mr. Turner at this time subject to my looking at these documents. If Mr. Medlin, after I look at them, can answer the questions since he's in Jackson regarding any legislative bills or whatever, I will not call you back if I can get the answers from him. I may have to call him back, but it will be convenient for him and inconvenient for you so I'll try to do it that way.

MR. HELMS: Crymes, tell us what you want,

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and we'll take anything -- any requests under consideration and advisement and everything.

MR. PITTMAN: I understand that.

MR. HELMS: I don't know what to say to that other than ask us and we'll let you know whether we'll agree to it.

MR. PITTMAN: I understand. That's all I'm saying. I may request additional -- after I review the documents, I'll get in touch with you and tell you what I want to ask him about if I want to ask him about anything. There may be nothing. I don't know of anything right now.

BY MR. PITTMAN:

Q Let me ask you one other thing. Looking at document 6358 through 6369, which is House Bill 33 or parts of it in 1992, tell me if you recall any parts of that bill. Just look through it real quick. If you'll look through that bill, I'll let you do that. Are you familiar with that bill at all?

MR. HELMS: I'm sorry, Crymes. You're showing him document TIMS 6358 through 6369?

BY MR. PITTMAN:

Q Do you recall that bill pending, any position Philip Morris may have taken on it?

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A Not specifically, sir. There's several bills contained within this. Some of them are partials. One of them, number 6359, begins on line 59.

Q Do you recall Philip Morris' position on any of those bills?

A No, sir.

MR. PITTMAN: Thank you. That's all I have.

(Deposition Concluded at 11:30 a.m.)

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I, CHERIE GALLASPY BOND, Registered Merit Reporter and Notary Public in and for the State of Mississippi, do hereby certify that the above and foregoing pages contain a full, true and correct transcript of the proceedings had in the aforenamed case at the time and place indicated, which proceedings were recorded by me to the best of my skill and ability.

I also certify that I placed the witness under oath to tell the truth and that all answers were given under that oath.

I certify that I have no interest, monetary or otherwise, in the outcome of this case.

This the 14th day of January, 1997.

_____

CHERIE GALLASPY BOND
CSR #1012

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